



Dkt. 0687/74768-BA-PCT-US/JPW/GJG/MJP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham and Robert Norman Rice

Serial No. : 10/646,070 Examiner : Whiteman, Brian A.

Filed : August 22, 2003 Art Unit : 1635

For : CONTROL OF GENE EXPRESSION

30 Rockefeller Plaza
20TH Floor
New York, New York 10112
May 11, 2009

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT AS A SUBMISSION UNDER 37 C.F.R. § 1.114(c)

Applicants submitted a March 4, 2009 Notice of Appeal and a March 4, 2009 Petition For A One-Month Extension Of Time in response to the November 4, 2008 Final Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. The United States Patent and Trademark Office received the March 4, 2009 Notice of Appeal on March 9, 2009. Based on the date of receipt of the March 4, 2009 Notice of Appeal, an appeal brief or a Request for Continued Examination (RCE) is due May 9, 2009. However, because May 9, 2009 is a Saturday, an appeal brief or a Request for Continued Examination (RCE) filed the next succeeding business day, i.e. Monday, May 11, 2009, is considered timely under 37 C.F.R. §1.7. Applicants are hereby submitting an Amendment under 37 C.F.R. § 1.114(c) accompanied by a Request for Continued Examination (RCE). The fee for a Request for Continued Examination (RCE) under 37 C.F.R. § 1.17(e) is eight hundred and ten dollars (\$810.00) and a check including this amount is enclosed. Accordingly, this Amendment

Applicants : Michael Wayne Graham and Robert Norman Rice
Serial No. : 10/646,070
Filed : August 22, 2003
Page 2 of 49 of May 11, 2009 Amendment

is being timely filed.

Amendments to the Claims begin on page **3** of this document.

Remarks begin on page **11** of this document.

- Discussion of **Support for New Claims** begins on page **11**.
- Discussion of **Third Party Submissions** begins on page **12**.
- Discussion of **Relevant Terminology** begins on page **13**.
- Discussion of **Anticipation Rejections based on Fire et al.**
begins on page **15**.
- Discussion of **Obviousness Rejections** begins on page **24**.
 - **based on Fire et al. and Dietz** begins on page **27**.
 - **based on Agrawal et al. and Ladner et al.** begins
on page **45**.

Please amend the subject application as follows: